

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-54 were pending in the application, of which Claims 1, 16, 21, 27, 33, 40, 44, and 51 are independent. In the Office Action dated November 15, 2004, the specification and the abstract were objected to. Furthermore, Claims 1-5, 21-31, and 33-54 was rejected under 35 U.S.C. § 102(b) and Claims 6-20 and 32 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-54 remain pending in this application. Applicant hereby addresses the Examiner's objections and rejections in turn.

I. Objection to the Specification

In the Office Action dated November 15, 2004, the Examiner objected to the specification due to missing status information of a co-pending application. The specification has been amended, and Applicant respectfully submits that the amendment overcomes this objection and adds no new matter.

II. Objection to the Abstract

In the Office Action, the Examiner objected to the Abstract of the Disclosure as being improper. The Abstract has been replaced with a Substitute Abstract attached to this Amendment, and Applicants respectfully submit that the Substitute Abstract overcomes this objection and adds no new matter.

III. Rejection of Claims 1-5, 21-31, and 33-54 Under 35 U.S.C. § 102(b) Using *Huang*

In the Office Action, the Examiner rejected Claims 1-5, 21-31, and 33-54 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,995,991 ("*Huang*").

Applicant respectfully traverses this rejection.

In order to anticipate the invention as claimed, *Huang* must recite each and every element of Claim 1. Applicant respectfully submits *Huang* does not recite each and every element of Claim 1. For example, *Huang* at least does not disclose embedded status information. Furthermore, Applicant respectfully submits that the Examiner does state that *Huang* recites each and every element of Claim 1. (See Office Action, page 2, lines 15-19.) For example, the Examiner does state that *Huang* discloses embedded status information.

In light of the above remarks, Applicant asserts that the rejection of Claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Applicant asserts that the rejections of Claims 21, 27, 33, 40, 44, and 51 are also not supported by the cited art and should be withdrawn for the reasons outlined above in response to the rejection of Claim 1.

Dependent Claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54 are also allowable at least for the reasons above regarding independent Claims 1, 21, 27, 33, 40, 44, and 51, and by virtue of their respective dependencies upon independent Claims 1, 21, 27, 33, 40, 44, and 51. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54.

IV. Rejection of the Claims 1-5, 21-31, and 33-54 Under 35 U.S.C. § 102(b) Using *Lynch*

In the Office Action, the Examiner rejected Claims 1-5, 21-31, and 33-54 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,009,511 ("*Lynch*").

Applicant respectfully traverses this rejection.

In order to anticipate the invention as claimed, *Lynch* must recite each and every element of Claim 1. Applicant respectfully submits *Lynch* does not recite each and every element of Claim 1. For example, *Lynch* at least does not disclose embedded status information. Furthermore, Applicant respectfully submits that the Examiner does state that *Lynch* recites each and every element of Claim 1. (See Office Action, page 3, lines 5-8.) For example, the Examiner does state that *Lynch* discloses embedded status information.

In light of the above remarks, Applicant asserts that the rejection of Claim 1 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Applicant asserts that the rejections of Claims 21, 27, 33, 40, 44, and 51 are also not supported by the cited art and should be withdrawn for the reasons outlined above in response to the rejection of Claim 1.

Dependent Claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54 are also allowable at least for the reasons above regarding independent Claims 1, 21, 27, 33, 40, 44, and 51, and by virtue of their respective dependencies upon independent Claims 1, 21, 27, 33, 40, 44, and 51. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54.

V. Rejection of Claim 6-20 and 32 Under 35 U.S.C. § 103(a) Using *Huang*

In the Office Action, the Examiner rejected Claims 6-20 and 32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,995,991 ("*Huang*") in view of what the Examiner alleges is obvious to a person having ordinary skill in the art. Applicant respectfully traverses this rejection.

Regarding Claim 16, the Examiner stated that *Huang* does not specifically disclose the claimed "floating point operand data" having "sign", "exponent," and "fraction" information. (See Office Action, page 4, lines 3-5.) In addition, the Examiner merely states that *Huang*'s device is a floating point device. (See Office Action, page 4, line 5.) As a result, Applicant respectfully suggests that the Examiner has failed to make a *prima facie* case of obviousness. In order to make a *prima facie* case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.)

If the Examiner continues to rely on this unsupported contention, Applicant respectfully requests the Examiner to provide concrete and explicit support.

Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy (February 21, 2002)(stating that it is never appropriate to rely on common knowledge without evidentiary support as sole or principal evidence on which to base rejection); MPEP § 706 citing 37 C.F.R. § 1.104 (providing that when a rejection in an application is based on facts within the personal knowledge of an Examiner, the data should be stated as specifically as possible, *and the facts must be supported*, when called for by the applicant, by an affidavit from the Examiner); MPEP § 2144.03 (providing that the Examiner may only take official notice of facts outside of the record

which are capable of instant and unquestionable demonstration as being "well-known" in the art and, if the Applicant traverses such an assertion, the Examiner *should cite a reference* in support of his or her position.).

In light of the above remarks, Applicant asserts that the rejection of Claim 16 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Dependent Claims 6-15, 17-20, and 32 are also allowable at least for the reasons above regarding independent Claims 1, 16, and 27, and by virtue of their respective dependencies upon independent Claims 1, 16, and 27. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 6-15, 17-20, and 32.

VI. Rejection of Claims 6-20 and 32 Under 35 U.S.C. § 103(a) Using *Lynch*

In the Office Action, the Examiner rejected Claims 1-3 and 5-47 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,009,511 ("*Lynch*") in view of what the Examiner alleges is obvious to a person having ordinary skill in the art. Applicant respectfully traverses this rejection.

Regarding Claim 16, the Examiner stated that *Lynch* does not specifically disclose the claimed "floating point operand data" having "sign", "exponent," and "fraction" information. (See Office Action, page 4, lines 14-16.) In addition, the Examiner merely states that *Lynch's* device is a floating point device. (See Office Action, page 4, line 16.) As a result, Applicant respectfully suggests that the Examiner has failed to make a *prima facie* case of obviousness. In order to make a *prima facie*

case of obviousness, the Examiner must set forth prior art which teach or suggest every claim limitation. (See MPEP § 2143.)

If the Examiner continues to rely on this unsupported contention, Applicant respectfully requests the Examiner to provide concrete and explicit support.

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In light of the above remarks, Applicant asserts that the rejection of Claim 16 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Dependent Claims 6-15, 17-20, and 32 are also allowable at least for the reasons above regarding independent Claims 1, 16, and 27, and by virtue of their respective dependencies upon independent Claims 1, 16, and 27. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 6-15, 17-20, and 32.

VI. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____

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